

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

RECEIVED

OCT 05 2009

DIV. OF OIL, GAS &amp; MINING

October 1, 2009

Regulatory Division SPK-2009-01008

Chris McCourt  
Alton Coal Development, LLC  
463 North 100 West, Suite 1  
Cedar City, Utah 84720

Dear Chris McCourt:

On August 31, 2009, we inspected your property regarding work authorized under Regional General Permit 40 (RGP40), SPK-2009-01008/Utah Stream Channel Alteration Permit Number 07-85-02SA. RGP40 applies to all waters in the state of Utah that are part of a surface tributary system and over which the State Engineer has regulatory authority under the state's stream alteration program. RGP40 does not apply to springs, lakes, fens, wetlands, and other waters to which the stream alteration program does not apply.

The inspection revealed that Utah Division of Oil, Gas and Mining Permit has not issued a permit for the Coal Hollow Mine Project; therefore, none of the work authorized by SPK-2009-01008 has been performed. Alton Coal is reportedly finalizing a report to identify wetlands potentially affected by the project. The purpose of this letter is to inform Alton Coal that we have not received the Wetlands Delineation Report.

We have enclosed RGP40 and an itemized list of the minimal information we need to process Preliminary Wetlands Delineations. Upon receiving the complete Wetlands Delineation Report, we will evaluate the delineation and determine if SPK-2009-01008 is appropriate for the Coal Hollow Mine Project. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Please refer to identification number SPK-2009-01008 in any correspondence concerning this project. If you have any questions, please contact Karen Clementsen at 321 North Mall Drive, Suite L-101, St. George, UT 84790-7310, email [Karen.L.Clements@usace.army.mil](mailto:Karen.L.Clements@usace.army.mil), or telephone 435-986-1961.

Sincerely,

Patricia L. McQueary  
Chief, St. George Regulatory Office

Enclosure(s):

30-Nov-2001: Minimum Standards for Acceptance of Preliminary Wetlands Delineations

4-May-2004: Regional General Permit 40

31-Aug-2009: Compliance Inspection Report and Photographs

Copy furnished without enclosure(s):

Charles Williamson, State of Utah Division of Water Rights, PO Box 146300, Salt Lake City,  
Utah 84114-6300

✓ Darron Haddock, Utah Division of Oil, Gas and Mining, PO Box 145801, Salt Lake City, Utah  
84114-5801

Keith Rigtrup, Bureau of Land Management, 176 East DL Sargent Drive, Cedar City, Utah  
84721-9337